

---

**SUBSTITUTE SENATE BILL 6521**

---

**State of Washington                      61st Legislature                      2010 Regular Session**

**By Senate Agriculture & Rural Economic Development (originally sponsored by Senators Haugen and Honeyford)**

READ FIRST TIME 01/27/10.

1            AN ACT Relating to retaining productive farmland; adding a new  
2 section to chapter 89.08 RCW; adding a new section to chapter 43.17  
3 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.        **Sec. 1.**        The legislature finds that loss of  
6 productive farmland is a critical issue of statewide importance that  
7 puts at risk the long-term viability of agriculture in the state. To  
8 address the issues relating to loss of farmland the legislature, in  
9 2007, created the office of farmland preservation as a program within  
10 the state conservation commission. One of the tasks of the office is  
11 to provide the legislature and governor with an analysis of the factors  
12 contributing to the loss of farmland in the state.

13            State agencies acquire various interests in real property that  
14 range from easements and leases to purchases in fee simple. Sometimes  
15 agencies will acquire an interest in real property that is currently  
16 used as working agricultural land for the production of food and fiber,  
17 or has the potential for such production. In these acquisitions, the  
18 agency plans for the real property may or may not include the continued  
19 use of the land for agricultural production. When the agency does not

1 continue agricultural production, these lands may be put to other uses  
2 that will permanently remove productive agricultural lands from future  
3 use. Given the continuing loss of productive agricultural lands, the  
4 legislature intends to gather information to determine the scope and  
5 extent to which state agency acquisition of real property contributes  
6 to this ongoing loss of productive agricultural lands.

7 The legislature finds that agricultural lands are also acquired and  
8 in some cases converted to other uses by activities that are not  
9 undertaken by state agencies. It is the intent of the legislature to  
10 gather information on the scope and extent of the impact of these  
11 private activities on agricultural lands.

12 State agencies adopt rules, guidance, and policies that may impact  
13 productive agricultural lands. It is the intent of the legislature to  
14 examine whether additional information is needed to determine the scope  
15 and extent to which agricultural lands may be impacted by these  
16 activities.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 89.08 RCW  
18 to read as follows:

19 (1) The commission shall develop a form and process for an  
20 agriculture impact statement to be completed by any state agency before  
21 the acquisition of an interest in real property when the interest  
22 includes agricultural land as defined in this section. The acquisition  
23 of a water right separate from real property shall not be considered an  
24 interest in real property for the purposes of this section and is not  
25 subject to completion of an agriculture impact statement form.

26 (2) When developing the agriculture impact statement form and  
27 process, the commission shall consult with affected agencies before  
28 final adoption. The commission may exempt smaller scale acquisitions  
29 and activities from the requirements of this section. The commission  
30 shall work with affected agencies to identify sources of information  
31 that minimize costs to agencies but will still provide the necessary  
32 information.

33 (3) The commission shall report to the governor and legislature no  
34 later than December 1st of each calendar year, which at a minimum  
35 should provide information on the status of the agriculture impact  
36 statement program, the results of the information submitted to the  
37 commission over the previous year, and other factors the commission

1 deems appropriate to report that fulfill the purposes of this section  
2 and section 3 of this act. The commission may also make  
3 recommendations to the governor and legislature on issues raised  
4 through the evaluation of the agriculture impact statement forms.

5 (4)(a) In the first report to the legislature and governor, the  
6 commission shall address the information obtained through the  
7 agriculture impact statement process and other research by the  
8 commission. The first report must contain commission recommendations  
9 on:

10 (i) The potential applicability of the agriculture impact statement  
11 to agency rule-making actions;

12 (ii) The potential applicability to acquisition and land use  
13 activities by federal and local governments;

14 (iii) Whether the agriculture impact statement should be applied to  
15 the state acquisition of an interest in a water right; and

16 (iv) Whether existing processes adequately provide for the  
17 evaluation of impacts to agricultural lands from other project  
18 activities.

19 (b) After consultation with local governments and others, the  
20 commission shall make recommendations on how the agriculture impact  
21 statement could be used to track conversions of agricultural land  
22 through private transactions.

23 (5) An agriculture impact statement completed by an agency pursuant  
24 to this chapter may not be used as the basis for appeal of an agency  
25 action or to otherwise delay or stop the proposed agency activity  
26 described in the agriculture impact statement.

27 (6) The definitions in this subsection apply throughout this  
28 section.

29 (a) "Agriculture impact statement" means the document developed by  
30 the state conservation commission and used by agencies consistent with  
31 this section, and is separate and distinct from the detailed  
32 environmental review documents required under chapter 43.21C RCW and  
33 WAC 197-11-400.

34 (b) "Agricultural land" includes land that is (i) currently used  
35 for agricultural production, (ii) zoned agricultural land of long-term  
36 commercial significance, or (iii) otherwise zoned as agricultural land  
37 by a local jurisdiction. "Agricultural land" does not include  
38 timberland as defined in RCW 84.40.032.

1 (c) "Interest in real property" includes an easement, lease, any  
2 interest in fee simple or less than fee simple, a restrictive covenant,  
3 or a deferred purchase mechanism.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.17 RCW  
5 to read as follows:

6 All state agencies including all state departments, boards,  
7 councils, commissions, and state universities, colleges, and community  
8 colleges shall complete an agriculture impact statement in the form and  
9 process described and adopted by the Washington state conservation  
10 commission pursuant to chapter 89.08 RCW before acquisition of an  
11 interest in real property, except any interest in a water right, as  
12 defined in section 2 of this act. Agricultural land does not include  
13 timberland as defined in RCW 84.40.032.

--- END ---